

REMARKS / ARGUMENTS

This application includes claims 1-60, with claims 1 and 29 in independent form.

Claims 1 and 29 have been amended in this response.

This paper is submitted in response to the Non-Final Office Action mailed on January 31, 2003, in which the Examiner rejected claims 1-5, 8, 9, 13, 14, 17-21, 23-33, 36, 37, 41, 42, 45-49, and 51-60 under 35 U.S.C. 102(b) as anticipated by Rose (U.S. Patent No. 5,930,769), rejected claims 6, 7, 34 and 35 under 35 U.S.C. 103(a) as unpatentable over Rose, rejected claims 10-12 and 38-40 under 35 U.S.C. 103(a) as unpatentable over Rose in view of Meyer, Harvey: "Many Happy Returns", Journal of Business Strategy, Boston, Vol. 20, Issue 4, July/August 1999, pp. 27-31, and rejected claims 15, 16, 22, 43, 44, and 50 under 35 U.S.C. 103(a) as unpatentable over Rose in view of Slatalla, Michelle: "A Personal Tailor for Denimed Masses", NY Times, NY, NY, Late Edition (East Coast), July 27, 2000, p. G4.

All of the claims as amended require that the "visual aid allows the user to adjust the article in an incremental amount". The term "incremental", as used in the specification and claims of the pending patent application, is intended to indicate that the visual aid allows the user to adjust the article only by particular increments—i.e., discrete amounts—rather than continuously. As a non-limiting example, this may refer to allowing the user to adjust the article only in increments of one-quarter of an inch, but not by any smaller amount. So, under this example, it would be within the scope of the claimed invention to allow the user to increase or decrease the waist of a garment by 0.25, 0.50, 0.75, 1.00, 1.25, 1.50 inches (and so forth), but not by, for example, 1.35 inches or any other amount between but not including 1.25 and 1.50 inches. This is the meaning of the term "incremental amount" in the pending application.

The Examiner has rejected all of the pending claims in reliance upon Rose, asserting that Rose discloses that “[t]he user may adjust the desired article by increments (col. 7, lines 62-67)” (p. 3 of Office Action). The cited section of Rose discloses that:

The system may also generate a pointer or arrow **48** which indicates where alterations need to be performed and specifies how much alteration a selected fashion needs. The amount that is required to be adjusted is listed in inches, but can also be listed using the metric system.

This section of Rose does not disclose that adjustment may only be by multiples of a particular discrete increment, nor is such a limitation found disclosed anywhere else in Rose.

Because all of the claims as amended are limited to requiring a “visual aid [that] allows the user to adjust the article in an incremental amount”, with incremental amount meaning by particular discrete amounts rather than continuously, and because neither Rose nor any of the other cited references disclose allowing the user to adjust the article only in incremental amounts, the applicants respectfully submit that all of the claims of the pending application are now in condition for allowance.

Conclusion

It is respectfully submitted that the present application is in condition for allowance and prompt notification thereof is requested. If the prosecution of this application can be advanced by a telephone conference, the Examiner is requested to call the undersigned at (212) 530-5456.

Respectfully submitted,



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